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09/721,220

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Husnain Bajwa

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29395

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05/12/2005

H. DALE LANGLEY, JR.

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EXAMINER

MEHRA, INDER P

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,220

Applicant(s)

BAJWA ET AL.

Examiner

Inder P. Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 is/are allowed.
- 6) ☒ Claim(s) 1-21 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to amendment filed on 12/27/04. Claims 1-28 are pending. Out of 1-28 claims, claims 1, 10, 18, 19, 22-24 have been amended. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-21 and 25-27 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 10 have been amended to recite limitation: "originating from any source and for receipt at any receiving source per call" which is not supported by specification. Appropriate clarification/correction is required.

Claim 18 has been amended to recite limitation: "for receipt by intended recipient location for the call as per the call", which is not supported by specification.

Appropriate clarification/correction is required.

Claim 19 is amended to recite limitation: "the information stream to be received by a target device as per the information stream", which is not supported by specification.

Appropriate clarification/correction is required.

Claim 25 has been amended to recite "from any network source and for receipt at any receiving source per the network source" which is not supported by specification.

Appropriate clarification/correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 9-10 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hakim** (US Patent No. 6,614,780), in view of **McLellan** (US Patent No. 6,097,800).

For claims 1, 2, 10, and 18, Hakim discloses a method comprising:

- **receiving a call at a gateway of a packetized network**, (the ITS's provide a gateway service, i.e., the capability to interface between the local telephone network and the Internet (packetized network is Internet, refer to col. 3 lines 58-61), refer to col. 5 lines 27-30); **originated from any source and for**

receipt at any receiving source per the call (where the "npa" and then the "nxx." to route a call, the Internet 405 requires the use of an Internet Protocol (IP) address for all subsidiaries, hence, all ITSs 404, 416, 407, 414 and 421, and then uses, via router devices, the IP addresses to route a call, refer to col. 5 lines 15-20, and further, refer to "The originating ITS requests an **"open_call.sub.13 path"** message to the destination ITS", refer to col. 5 lines 39-41").

- directing the call for connection to a feature platform (authentication, as defined in specs at page 4 lines 15-17) via the network, refer to abstract and refer to "rout a call---via router devices", col. 5 lines 15-20, col. 4 lines 42-55;
- performing a service related to the call in the feature platform (refer to "user access authentication and security", col. 4 lines 34-37;
- after performing the service, transferring the call to another location in the network -----gateway and the other location, the connection being independent of the feature platform (refer to col. 4 lines 42-55, col. 5 lines 15-30.
- network comprising: "a packet switched network (, col. 3 lines 59-61, 400 in fig. 4, col. 5 lines 10-15) including one or more gateways coupled to receive calls for the network requiring a feature service, *as recited by*

claim 10 , ITS (gateway), refer to col. 5 lines 20-30 and col. 4 lines 42-54;

- a method of authenticating a received at a packetized voice network, *as recited by claims 2 and 18*, (refer to 315 in fig. 3, and col. 3 lines 64-66);
- routing the call from the ingress point to an authentication server (ITS-SP); authenticating the call in the authentication server, **for receipt by intended recipient location for the call as per call** (authorization ; and routing the call to an egress point on the network instead of the authentication server after authentication----to reach the terminating destination number as the user requested (**intended recipient location**), as recited by claim 18, refer to col. 4 lines 42-54, step 210 in fig. 2.

Hakim discloses “open call path message to destination”, as referred to above, (not necessarily “800” calls, as argued by applicant in response. However, Mclellan discloses the following limitation explicitly:

* **“originated from any source and for receipt at any receiving source per the call”**, (Although a PIN is not necessarily required to place a call to one of the predetermined numbers associated with the caller's account number, the PIN may be used to allow the caller to place calls, and charge them to the

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caller's account, to telephone numbers **that are not on the list (any source)**. refer to col. 3 lines 57-62.)

It would have been obvious to a person of ordinary skill in the art at the time of invention to use the capabilities of originated from any source and for receipt at any receiving source per the call , The suggestion to use these capabilities would have been motivated in order to provide capability to make calls from any source.

For claim 9, Hakim discloses the limitations of subject matter as in claim 1 above, including the limitation “ wherein the other location is an egress gateway (Thus to route a call an originating ITS 404 just addresses the call to the IP address of the destination ITS 414 (egress gateway), col. 5 lines 28-30, col. 5 lines 20-22).

For claim 17, Hakim discloses “wherein the call is received from a publicly switched telephone network (PSTN), refer to 100 in fig. 1

6. Claims 3-7, 11-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hakim and Mclellan**, as applied to claims 1 and 10 above, in view of **Fougnies et al** (US Patent No. 5,854,975), hereinafter, Fougnies '975.

For claims 3-7, 11-13 and 16 Hakim discloses all the limitations of subject matter,

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including the following limitations:

- providing an authentication service as the service in the feature platform, **as recited by claims 3 and 11**, refer to col. 4 lines 42-47;
- wherein the authentication service validates a personal identification number, **as recited by claim 5**, (access code, refer to col. 4 lines 43-45, Caller Identification, refer to col. 11 lines 35-37);
- wherein the authentication service includes voice prompts, **as recited by claims 6 and 12**, (prompts the user, col. 4 lines 42-45, in voice network 315 fig. 3);

Hakim and Mclellan do not disclose the following limitations, which are disclosed by Fougnes '975:

- wherein the authentication service validates a calling card number, **as recited by claim 4**, refer to col. 1 lines 19-21, col. 11 lines 55-65, col. 12 lines 7-10, and col. 13 lines 20-25;
- wherein the authentication service utilizes Automatic Number Identification (ANI) information as a basis for authentication, **recited by claims 7 and 13**, refer to abstract, col. 5 lines 40-50, col. 6 lines 5-20, and col. 7 lines 39-42.
- wherein the call is routed to the feature platform according to a destination number identification service (DNIS), **as recited by claim 16**, refer to col. 6 lines 5-10;

Further, Fougnes '975 discloses the following limitations more explicitly, as follows:

- providing an authentication service as the service in the feature platform, **as recited by claims 3 and 11**, refer to col. 2 lines 24-26, col. 4 lines 5-7 and col. 4 lines 33-40;

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- wherein the authentication service validates a personal identification number, **as recited by claim 5**, (refer to col. 9 lines 30-35);
- wherein the authentication service includes voice prompts, **as recited by claims 6 and 12**, (refer to col. 2 lines 19-21, col. 6 lines 40-50).

It would have been obvious to a person of ordinary skill in the art at the time of invention to use the capabilities of calling card number, Automatic Number Identification, personal identification number, voice prompts, (DNIS) and providing authentication service, as taught by Fournies '975. The suggestion to use these capabilities would have been motivated in order to provide anti-fraud capabilities and facilitates billing.

7. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hakim and McLellan**, as applied to claims 1 and 10 above, in view of **O'Neal et al** (US Patent No. 6,728,357), hereinafter, O'Neal.

For claims 8 and 14, Hakim and McLellan disclose all the limitations of the subject matter, with the exception of the following limitation, which is disclosed by O'Neal, as follows:

- providing a follow-me service as the service, refer to col. 11, lines 65-67;

It would have been obvious to a person of ordinary skill in the art at the time of invention to use the capabilities of "follow-me-service". The suggestion to use these capabilities would have been motivated in order to facilitate handle calls appropriately.

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8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hakim and Mclellan**, as applied to claims 1 and 10 above, in view of **Burke et al** (US Patent No. 6,728,357), hereinafter, Burke.

For claim 15, Hakim and Mclellan disclose all the limitations of the subject matter, with the exception of the following limitation, which is disclosed by Burke, as follows:

- wherein the call is redirected from the feature platform to other location on the network using a media gateway control protocol, (MGCP communicates information to the distribution network through an alert queue. MGCP is used for telephony communication. refer to col. 5, lines 25-45;

It would have been obvious to a person of ordinary skill in the art at the time of invention to use the capabilities of redirecting calls from the feature platform to other location on the network using a media gateway control protocol, as taught by Burke. This capability can be combined at gateway of the network. The suggestion to use these capabilities would have been motivated in order to facilitate handling of calls appropriately.

9. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hakim and Mclellan**, as applied to claims 1 and 10 above, in view of **Nelson et al** (US Patent No. 6,760, 778), hereinafter, Nelson.

For claims 19 and 21, Hakim and Mclellan disclose voice traffic (315 in fig. 3) bearing packet switched network (Internet 301 in fig. 3 and 405 in fig. 4 , col. 1 lines 5-10), the method comprising:

- receiving at a gateway to packet-switched network (the ITS's provide a gateway service, i.e., the capability to interface between the local telephone network and the Internet (packetized network is Internet, refer to col. 3 lines 58-61), refer to col. 5 lines 27-30); an information stream including encoded voice-band traffic originating from voice terminal (311 in fig. 3 and 411 in fig. 4) outside the packet-switched network (Internet 405 in fig. 4), **the information stream to be received by a target device as per the information stream** (312 in fig. 3, refer to col. 4 lines 6-12);
- directing the information stream over the packet-switched network to an authentication service and thereby establishing a connection between the voice terminal and the authentication service (authentication, as defined in specs at page 4 lines 15-17) via the network, refer to abstract and refer to “rout a call---via router devices”, col. 5 lines 15-20, col. 4 lines 42-55;
- upon authentication by the authentication service (refer to “user access authentication and security”, col. 4 lines 34-37; disassociating the information stream from the authentication service, redirecting the information stream via the packet-switched network to establish a connection with a target device (refer to col. 4 lines 42-55, col. 5 lines 15-30. After connection to other location, authentication service is transparent to call communication.).

Hakim and Mclellan does not disclose the following limitation explicitly, which is disclosed by

Nelson, as follows:

- “an information stream including encoded voice-band traffic refer to col. 10 lines

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25-32; originating from voice terminal outside the packet-switched network (IP network, col. 4 lines 55-57”.

* wherein the authenticating includes bi-directionaal (full-duplex, col. 10 lines 26-29) communication of encoded voice-band traffic between the voice terminal and the authentication service via the gateway, **as taught by claim 21**, refer to col. 10 lines 25-32 and col. 8 lines 22-24.

It would have been obvious to a person of ordinary skill in the art at the time of invention to use the capabilities of “an information stream including encoded voice-band originating from voice terminal outside the packet-switched network, as taught by Nelson. This capability can be combined at gateway of the network. The suggestion to use these capabilities would have been motivated in order to facilitate handling of calls appropriately.

For claim 20, Hakim discloses all the limitations of the subject matter including the following limitation:

- authenticating a credential associated with the information stream using the authentication service (refer to “access code and security, col. 4 lines 35-37 and prompts user for access code to confirm authorization, col. 4 lines 42-46.

10. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hakim** and **McLellan** as applied to claims 1 and 10 above, and **Seazholtz et al**, hereinafter, Seazholtz, further, in view of **McLellan** (US Patent No. 6,097,800).

For claims 25-27, Hakim discloses voice traffic (315 in fig. 3) bearing packet switched network (Internet 301 in fig. 3 and 405 in fig. 4 , col. 1 lines 5-10), the method comprising:

- receiving at an authentication service (authentication, as defined in specs at page 4 lines 15-17); in the network a request to authenticate, refer to abstract and refer to “rout a call---via router devices”, col. 4 lines 35-38 and lines 42-55 and col. 5 lines 15-20;

Hakim does not disclose the following limitations explicitly, which are disclosed by Seazholtz, as follows:

- authenticate an endpoint for a pay-per-stream distribution of media, *as also recited by claim 26*, (refer to abstract, col. 1 lines 25-28, col. 1 lines 50-67, col. 7 lines 40-43, col. 9 lines 4-8, col. 25 lines 8-20, and col. 42 lines 9-21);
- upon authentication by the authentication service , directing the pay-per-stream stream distribution of media from a feature service in the network providing the pay-per-stream distribution of media as information stream,*as recited by claim 25*, (refer to abstract, col. 1 lines 25-28, col. 1 lines 50-67, col. 7 lines 40-43, col. 9 lines 4-8, col. 25 lines 8-20, and col. 42 lines 9-21);
- providing via the packet-switched network a connection between the feature server providing the information stream and the endpoint, refer to col. 2 lines 52-57, *as recited by claim 25*, and col. 16 lines 13-30.
- wherein the connection between the feature server providing the information stream and the endpoint includes an egress point of the packet switched network, *as recited by claim 27*, refer to “gateways”, col. 3 lines 20-25.

Further, Hakim and Seazholtz do not disclose the following limitations explicitly, which are disclosed by Mclellon, as follows:

* **“from any network source and for receipt at any receiving source per the network source”**, (Although a PIN is not necessarily required to place a call to one of the predetermined numbers associated with the caller's account number, the PIN may be used to allow the caller to place calls, and charge them to the caller's account, to telephone numbers **that are not on the list** (any source). refer to col. 3 lines 57-62.)

It would have been obvious to a person of ordinary skill in the art at the time of invention to use the capability of pay-per-view program upon authorization/ authentication of subscriber, as taught by Seazholtz, and **from any network source and for receipt at any receiving source per the network source, as taught by Mclellon.** These capabilities can be combined at gateway of the network. The suggestion to use these capabilities would have been motivated in order to facilitate handling of calls appropriately and provide broadband services to callers from anywhere..

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dowd et al** (US Patent No. 6,141,755), hereinafter, Dowd, in view of **Burke et al** (US Patent No. 6,141,755), hereinafter, Burke.

For claim 28, Dowd discloses “an apparatus (fig. 1), refer to col. 5 line 65 through col. 6 line 24, comprising:

- a packet switched network (packet switched firewalls 20) including one or more egress points (egress network 22 in fig. 1) coupled to an external telephone network (external network in fig. 1); and
- a feature platform (endpoint authentication, col. 4 lines 15-20) coupled to control outgoing calls (determine if a connection should be allowed, col. 3 lines 64-66) for call agents, the outgoing calls connecting respective destination numbers (col. 4 lines 15-20 and respective ones of the cell agents through egress points (refer to col. 11 lines 5-11, connections between the destination numbers and the respective calling agents being independent of the feature platform after each of the calls is connected, (the connection is functional independently when no intervention by authentication service has taken place);

Dowd does not disclose explicitly “call agent, which is disclosed by burke, refer to col. 5 lines 40-45.

It would have been obvious to a person of ordinary skill in the art at the time of invention to use the capability of “call agent, as taught by Burke. This capability can be combined at gateway of the network. The suggestion to use these capabilities would have been motivated in order to facilitate handling of calls appropriately and provide broadband services.

Allowable Subject Matter

12. Claims 22-24 are allowed.

Response to Arguments

13. Applicant's arguments filed 12/27/04 have been fully considered but they are not persuasive.

Applicant argues, "there is not necessarily any a priori designated number to which is directed the call and the call received. Moreover, the call, itself, is the reason for receipt at any receiving source per the call. In sum, although Applicant's claimed inventions could serve to direct an incoming **Toll Free 800/888 call** to a preset designated number (i.e., "the "other location"), this direction of the call is not particularly performed by the service of the feature platform. It is performed, instead, via a connection between the gateway and the other location that is independent of the feature of the platform.

In response, it is stated that specifications discloses "Gateway 203 requests from gatekeeper 213 via query 303 an IP address that corresponds to the 800 number dialed by call 301. Assume in the example that the 800 number is utilized by calling cards. Based on that number, gatekeeper 213, utilizing a routing table 214, informs gateway203 via packet (s) 305 that the call should be connected to feature platform 215 for authentication. Call 301 is then connected to feature platform 215 via the packet switching network as shown at 307.

Applicant amended claims 1, 10, 18, 19, and 25 to include the limitation:

"receiving a call originated from any source and for receipt at any receiving source per the calls at a gateway of a packetized network, which is disclosed by Hakim (where the "npa" and then the "nxx." to route a call, the Internet 405 requires the use of an Internet Protocol (IP) address for all subsidiaries, hence, all

ITSs 404, 416, 407, 414 and 421, and then uses, via router devices, the IP addresses to route a call, refer to col. 5 lines 15-20, and further, refer to "The originating ITS requests an **"open_call.sub.13 path"** message to the destination ITS", refer to col. 5 lines 39-41"). However, Mclellon discloses "Although a PIN is not necessarily required to place a call to one of the predetermined numbers associated with the caller's account number, the PIN may be used to allow the caller to place calls, and charge them to the caller's account, to telephone numbers **that are not on the list (any source)**. refer to col. 3 lines 57-62.

In light of above explanation, arguments by applicant are not persuasive.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion


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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on weekdays from 8AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra
Inder P Mehra 5/7/05
Examiner
Art Unit 2666


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5/7/05